

BEFORE THE IOWA BOARD OF PHARMACY

Re:)	Case No. 2012-49
Nonresident Pharmacy License of)	
ADVANCED CARE SCRIPTS INC.)	STATEMENT OF CHARGES
License No. 3741,)	& NOTICE OF HEARING
Respondent.)	

COMES NOW the Iowa Board of Pharmacy (Board) and files this Notice of Hearing and Statement of Charges pursuant to Iowa Code sections 17A.12(2) and 17A.18(3). Respondent was issued Iowa nonresident pharmacy license number 3741. Respondent's nonresident pharmacy license is active.

A. TIME, PLACE, AND NATURE OF HEARING

Hearing. A disciplinary contested case hearing shall be held on April 23, 2013, before the Iowa Board of Pharmacy. The hearing shall be held during the morning hearing session, beginning at 9:00 a.m. and shall be located in the Board conference room located at 400 S.W. 8th Street, Des Moines, Iowa.

Presiding Officer. The Board shall serve as presiding officer, but the Board may request an Administrative Law Judge from the Department of Inspections and Appeals make initial rulings on prehearing matters, and be present to assist and advise the board at hearing.

Hearing Procedures. The procedural rules governing the conduct of the hearing are found at 657 Iowa Administrative Code 35.19. At hearing you will be allowed the opportunity to respond to the charges against you, to produce evidence on your behalf, cross-examine witnesses, and examine any documents introduced at hearing. You may appear personally or be represented by counsel at your own expense. The hearing may be open to the public or closed to the public at your discretion.

Prosecution. The office of the Attorney General is responsible for representing the public interest (the State) in this proceeding. Pleadings shall be filed with the Board and copies should be provided to counsel for the State at the following address:

Theresa O'Connell Weeg
Assistant Attorney General
Iowa Attorney General's Office
2nd Floor Hoover State Office Building
Des Moines, Iowa 50319.

Ms. Weeg may also be reached by phone at (515)281-5328 or by e-mail at Theresa.Weeg@iowa.gov.

Communications. You may contact the Board office (515)281-5944 with questions regarding this notice and other matters relating to these disciplinary proceedings. However, you may NOT contact individual members of the Board to discuss these proceedings by phone, letter, facsimile, email, or in person. Board members can only receive information about the case when all parties have notice and an opportunity to participate, such as at the hearing or in pleadings you file with the Board office and serve upon all parties in the case. You may also direct questions relating to settlement of these proceedings to Assistance Attorney General Theresa O'Connell Weeg at (515)281-5328 or at Theresa.Weeg@iowa.gov.

B. LEGAL AUTHORITY AND JURISDICTION

Jurisdiction. The Board has jurisdiction in this matter pursuant to Iowa Code chapters 17A, 147, 155A, and 272C (2011).

Legal Authority. If any of the allegations against you are founded, the Board has authority to take disciplinary action against you under Iowa Code chapters 17A, 147, 148C, and 272C (2011) and 657 Iowa Administrative Code chapter 36.

Default. If you fail to appear at the hearing, the Board may enter a default decision or proceed with the hearing and render a decision in your absence, in accordance with Iowa Code section 17A.12(3) and 657 Iowa Administrative Code rule 35.21.

C. CHARGES

COUNT I VIOLATING LAWS OF ANOTHER STATE

Respondent is charged pursuant to Iowa Code § 155A.15(2)(c) (2011), and 657 Iowa Administrative Code §§ 36.1(4)(j) and 36.1(4)(ad), with violating the laws of Texas, which laws relate to the practice of pharmacy.

D. FACTUAL CIRCUMSTANCES

1. Respondent is a licensed nonresident pharmacy in the State of Iowa. Respondent's nonresident pharmacy license is active.
2. At all times relevant to this Statement of Charges, Respondent operated a pharmacy at 6521 Chancellor Dr., Suite 101, Orlando, Florida.

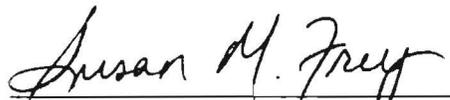
3. In March of 2012, Respondent self-reported discipline in Texas. The disciplinary charges arose from disciplinary action taken against Respondent in Louisiana and Colorado.
 - a. On May 7, 2009, the Louisiana Board of Pharmacy filed a Consent Order in which Respondent was issued a Letter of Warning and a fine of \$5,000 for dispensing prescriptions to Louisiana patients without a current and valid Louisiana pharmacy permit.
 - b. On March 8, 2011, the Colorado Board of Pharmacy filed a Stipulation and Final Agency Order in which Respondent was issued a fine of \$5,000 with other terms for failing to comply with the requirements of Colorado's Electronic Prescription Drug Monitoring Program.
4. Based on these facts, the Texas State Board of Pharmacy issued Respondent a reprimand on February 21, 2012.

E. SETTLEMENT

This matter may be resolved by settlement agreement. The procedural rules governing the Board's settlement process are found at 657 Iowa Administrative Code 36.3. If you are interested in pursuing settlement of this matter, please contact Assistant Attorney General Theresa Weeg.

F. PROBABLE CAUSE FINDING

On this 30th day of January, 2013, the Iowa Board of Pharmacy found probable cause to file this Notice of Hearing and Statement of Charges.



SUSAN M. FREY, Chairperson
Iowa Board of Pharmacy
400 SW Eighth Street, Suite E
Des Moines, Iowa 50309-4688

cc: Theresa Weeg
Assistant Attorney General
Hoover State Office Building
Des Moines, Iowa

BEFORE THE IOWA BOARD OF PHARMACY

Re:)	Case No. 2012-49
Nonresident Pharmacy License of)	
ADVANCED CARE SCRIPTS INC.,)	SETTLEMENT AGREEMENT
)	AND
License No. 3741,)	FINAL ORDER
)	
Respondent.)	

Pursuant to Iowa Code §§ 17A.10 and 272C.3(4) (2013), the Iowa Board of Pharmacy and Advanced Care Scripts Inc., Respondent, enter into this Settlement Agreement and Final Order to settle the licensee disciplinary proceeding currently pending before the Board.

The allegations contained in a Statement of Charges and Factual Circumstances against Respondent shall be resolved without proceeding to hearing, as the Board and Respondent stipulate as follows:

1. Respondent was issued Nonresident Pharmacy License No. 3741. That license is currently active.
2. A Statement of Charges and Factual Circumstances was filed against Respondent on January 30, 2013.
3. At all times relevant to the Statement of Charges and Factual Circumstances, Respondent operated a pharmacy at 6521 Chancellor Dr., Suite 101, Orlando, Florida.
4. The Board has jurisdiction over the parties and the subject matter of these proceedings.

5. Respondent has chosen not to contest the allegations in the Statement of Charges and Factual Circumstances. The parties agree the facts in this case are as follows, and that these allegations, if proven in a contested case proceeding, would constitute grounds for the discipline agreed to in this Order.
6. Upon the Board's approval of this Settlement Agreement and Final Order, Respondent shall be assessed a civil penalty in the amount of \$1000.00. This civil penalty shall be made payable to the Treasurer of Iowa and mailed to the executive director of the Board within ten (10) days of the Board's approval of this Settlement Agreement and Final Order. All civil penalty payments shall be deposited into the State of Iowa general fund. Upon the Board's receipt of the civil penalty, this disciplinary proceeding shall be concluded without further order of the Board.
7. Respondent agrees to obey all federal and state laws, rules, and regulations substantially related to the operation of a pharmacy.
8. This Settlement Agreement and Final Order is the resolution of a contested case. By entering into this Settlement Agreement and Final Order, Respondent waives all rights to a contested case hearing on the allegations contained in the Statement of Charges and Factual Circumstances, and waives any objections to this Final Order.
9. The State's legal counsel may present this Settlement Agreement and Final Order to the Board.
10. This Settlement Agreement and Final Order is subject to approval by a majority of the full Board. If the Board fails to approve this settlement, it shall be of no

force or effect to either the Board or Respondent. If the Board approves this Settlement Agreement and Final Order, it shall be the full and final resolution of this matter.

11. The Board's approval of this Settlement Agreement and Final Order shall constitute a FINAL ORDER of the Board.

This Settlement Agreement and Final Order is voluntarily submitted by Respondent to the Board for its consideration on the 6th day of June, 2013.



For Respondent

By this signature, Jeffrey Scott acknowledges s/he is the Pharmacist in Charge for Advanced Care Scripts Inc. and is authorized to sign this Settlement Agreement and Final Order on behalf of Advanced Care Scripts Inc.

This Stipulation and Consent Order is accepted by the Iowa Board of Pharmacy on the 26 day of June, 2013.



EDWARD L. MAIER, Chairperson
Iowa Board of Pharmacy
400 SW Eighth Street, Suite E
Des Moines, Iowa 50309-4688

cc: Theresa O'Connell Weeg
Assistant Attorney General
Office of the Attorney General
Hoover State Office Building
Des Moines, Iowa 50319

Charlie Hartig
Regulatory Compliance Counsel
Omnicare, Inc.
201 E. 4th St.
Cincinnati, OH 45202